

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 4/20/2018 5:04:14 AM
To: Leopold, Matt [Leopold.Matt@epa.gov]
Subject: RE: DELIBERATIVE PROCESS - DO NOT DISCLOSE - Clarification Letter re Sustenance Fishing
Attachments: EPA comments to DRAFT - Clarification Letter re Sustenance - Maine Tribes.docx

DELIBERATIVE--DRAFT--DO NOT RELEASE

Matt:

Attached to this e-mail is a revised draft of the DOI clarification letter with my additional proposed edits and comments tracked therein. This version implements into the text many of my comments included in the previous draft and reflects our discussion earlier this week. I would be glad to discuss this with you on Friday upon your return. DOI has asked for our comments by tomorrow and is seeking to finalize the letter within the next few days due to its preferred timing of this and other upcoming announcements as well as its consultation obligations.

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Message-----

From: Fotouhi, David
Sent: Thursday, April 12, 2018 9:21 AM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: DELIBERATIVE PROCESS - DO NOT DISCLOSE - Clarification Letter re Sustenance Fishing

Thanks, Matt. Will do.

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Message-----

From: Leopold, Matt
Sent: Thursday, April 12, 2018 9:21 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: DELIBERATIVE PROCESS - DO NOT DISCLOSE - Clarification Letter re Sustenance Fishing

Thank you for resending. Tell Kyle I'm still looking at it if they can bear with me.

Sent from my iPhone

> On Apr 12, 2018, at 5:58 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:
>
> Hi, Matt. Per your message from this morning, I'm re-sending this e-mail from last night. Thank you.
>
> David Fotouhi
>
> Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov<mailto:fotouhi.david@epa.gov>
>
> From: Fotouhi, David

> Sent: Wednesday, April 11, 2018 9:51 PM
> To: Leopold, Matt <Leopold.Matt@epa.gov>
> Subject: RE: DELIBERATIVE PROCESS - DO NOT DISCLOSE - Clarification
> Letter re Sustenance Fishing
>
> ATTORNEY WORK PRODUCT-DELIBERATIVE-DRAFT-DO NOT RELEASE
>
> Matt:
>
> Attached to this e-mail are three documents: (1) A PDF of the 2015 DOI letter; (2) A draft of DOI's clarification letter with OGC staff comments and my responses to those comments tracked therein (titled "EPA OGC staff comments..."); and (3) A draft of DOI's clarification letter with my proposed comments for transmission back to DOI (titled "EPA comments to DRAFT...").
>
> Please let me know if you have any questions or would like to discuss this tomorrow. I've informed Kyle Scherer that you are traveling and, as such, that we will need a day or two of additional time before providing our thoughts.
>
> Best,
>
> David
>
> David Fotouhi
>
> Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov<mailto:fotouhi.david@epa.gov>
>
> From: Scherer, Kyle [mailto:kyle.scherer@sol.doi.gov]
> Sent: Wednesday, April 4, 2018 3:31 PM
> To: Leopold, Matt <Leopold.Matt@epa.gov<mailto:Leopold.Matt@epa.gov>>;
> Fotouhi, David <Fotouhi.David@epa.gov<mailto:Fotouhi.David@epa.gov>>;
> Jeffrey.Wood@usdoj.gov<mailto:Jeffrey.Wood@usdoj.gov>;
> Eric.Grant@usdoj.gov<mailto:Eric.Grant@usdoj.gov>;
> Jonathan.Brightbill@usdoj.gov<mailto:Jonathan.Brightbill@usdoj.gov>;
> Alexander, Craig (ENRD)
> <Craig.Alexander@usdoj.gov<mailto:Craig.Alexander@usdoj.gov>>;
> Tracy.Toulou2@usdoj.gov<mailto:Tracy.Toulou2@usdoj.gov>; Carson,
> Davida <David.a.Carson@usdoj.gov<mailto:David.a.Carson@usdoj.gov>>
> Cc: Daniel Jorjani
> <daniel.jorjani@sol.doi.gov<mailto:daniel.jorjani@sol.doi.gov>>;
> Middleton, Brandon
> <brandon.middleton@sol.doi.gov<mailto:brandon.middleton@sol.doi.gov>>;
> Eric Shepard
> <eric.shepard@sol.doi.gov<mailto:eric.shepard@sol.doi.gov>>; Matthew
> Kelly <matthew.kelly@sol.doi.gov<mailto:matthew.kelly@sol.doi.gov>>
> Subject: DELIBERATIVE PROCESS - DO NOT DISCLOSE - Clarification Letter
> re Sustenance Fishing
>
> All,
>
> Please find attached a draft letter clarifying the conclusions reached by the Solicitor in 2015 regarding the Maine Tribes' subsidiary treaty rights to water quality. We would appreciate hearing your comments or concerns by Wednesday, April 11th. If you have any questions, please feel free to reach out directly to me or Eric Shepard (copied).
>
> Regards,
>
> Kyle Scherer
> Acting Deputy Solicitor - Indian Affairs <20150130_SOL to EPA re Maine
> WQS and Tribal Fishing Rights.pdf> <EPA comments to DRAFT -
> Clarification Letter re Sustenance - Maine Tribes.docx> <EPA OGC Staff
> comments to DOI Clarification Letter re Sustenance - Maine Tribes
> (April 2018) cmts v2.docx>